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TROUTMAN SANDERS LLP			TOMASZEWSKI, MICHAEL	
600 PEACHTREE STREET, NE			ART UNIT	PAPER NUMBER
ATLANTA, GA 30308			3626	
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

Application No.

10/044,581

Applicant(s)

GOUX, TIMOTHY GAYLE

Examiner

Mike Tomaszewski

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 12 June 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-8, 17-19, 24-30 and 32-35 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8, 17-19, 24-30 and 32-35 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Notice To Applicant***

1. This communication is in response to the amendment filed on 6/12/07. Claims 9-16, 20-23 and 31 have been cancelled. Claims 1, 5, 7 and 17 have been amended. Claims 1-8, 17-19, 24-30 and 32-35 are pending.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-2, 5-8, 24-28, and 33-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kniesner, Thomas J., Leeth, John D. ("Improving Workplace Safety: Standards or Insurance?" Fall 1991. Regulation. Vol. 14, Iss. 4. p. 64; hereinafter Kniesner), in view of Minturn (5,692,501; hereinafter Minturn).

(A) As per Claim 1, Kniesner discloses a method for providing improved performance of an insured healthcare facility (Kniesner: pg. L.6), the method comprising the steps of:

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- (1) determining insurance program requirements designed to reduce risks of accidents associated with the healthcare facility (Kniesner: pp. 1-6);
- (2) formulating an insurance program containing the insurance program requirements (Kniesner: pp. 1-6);
- (3) reducing risks of accidents associated with the healthcare industry by implementing procedures designed for the insured healthcare facility to meet the insurance program requirements (Kniesner: pp. 1-6);
- (4) identifying the conformance of the insured healthcare facility to the insurance program requirements (Kniesner: pp. 1-6); and
- (5) communicating data indicative of the conformance of the insured healthcare facility to an interested third party (Kniesner: pp. 1-6).

Kniesner, however, fails to *expressly* disclose a method for providing improved performance of an insured healthcare facility, the method comprising the steps of:

- (6) monitoring the results of the procedures to identify the conformance of the insured healthcare facility to the insurance program requirements.

Nevertheless, these features are old and well known in the art, as evidenced by Minturn. In particular, Minturn discloses a method for providing improved performance of an insured healthcare facility, the method comprising the steps of:

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- (6) monitoring the results of the procedures to identify the conformance of the insured healthcare facility to the insurance program requirements  
(Minturn: col. 9, lines 45-54)

One of ordinary skill in the art would have found it obvious at the time of the invention to combine the teachings of Minturn with the teachings of Kniesner with the motivation of enhancing performance of the insured by providing an incentive for an insured to abide by and conform to insurance program requirements (Minturn: col. 9, lines 45-54).

(B) As per claim 2, Kniesner discloses the method of claim 1, wherein the step of formulating an insurance program containing the insurance program requirements comprises an insured healthcare facility (Kniesner: pp. 1-6).

Kniesner, however, fails to *expressly* disclose the method of claim 1, wherein the step of formulating an insurance program containing the insurance program requirements comprises an insured purchasing the insurance program.

Nevertheless, these features are old and well known in the art, as evidenced by Minturn. In particular, Minturn discloses the method of claim 1, wherein the step of formulating an insurance program containing the insurance program requirements comprises an insured purchasing the insurance program (Minturn: col. 9, lines 45-54) (Examiner notes that Minturn discloses the reduction of premiums, that is, payments for insurance—purchase of the insurance program is therefore, inherent.).

One of ordinary skill in the art would have found it obvious at the time of the invention to combine the teachings of Minturn with the teachings of Kniesner with the motivation of enhancing performance of the insured by providing an incentive for an insured to abide by and conform to insurance program requirements (Minturn: col. 9, lines 45-54).

(C) As per claim 5, Kniesner discloses the method of claim 1, wherein the step of monitoring the results of the procedures to identify the conformance of the insured healthcare facility to the insurance program requirements further comprises providing feedback to the insured healthcare facility regarding compliance with the insurance program requirements (Kniesner: pp. 1-6).

(D) As per claim 6, Kniesner fails to *expressly* disclose the method of claim 1, wherein the step of communicating data indicative of the conformance of the insured healthcare facility to an interested third party further comprises the steps of:

- (1) attributing a score to the monitored results; and
- (2) providing the score to the interested third party.

Nevertheless, these features are old and well known in the art, as evidenced by Minturn. In particular, Minturn discloses the method of claim 1, wherein the step of

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communicating data indicative of the conformance of the insured healthcare facility to an interested third party further comprises the steps of:

- (1) attributing a score to the monitored results (Minturn: abstract); and
- (2) providing the score to the interested third party (Minturn: col. 9, lines 45-54).

One of ordinary skill in the art would have found it obvious at the time of the invention to combine the teachings of Minturn with the teachings of Kniesner with the motivation of enhancing performance of the insured by providing an incentive for an insured to abide by and conform to insurance program requirements (Minturn: col. 9, lines 45-54).

(E) As per claim 7, Kniesner fails to *expressly* disclose the method of claim 6, wherein the step of attributing a score to the monitored results further comprises attributing a numerical score indicating the conformance of the insured healthcare facility to the insurance program requirements.

Nevertheless, these features are old and well known in the art, as evidenced by Minturn. In particular, Minturn discloses the method of claim 6, wherein the step of attributing a score to the monitored results further comprises attributing a numerical score indicating the conformance of the insured healthcare facility to the insurance program requirements (Minturn: abstract)

One of ordinary skill in the art would have found it obvious at the time of the invention to combine the teachings of Minturn with the teachings of Kniesner with the motivation of enhancing performance of the insured by providing an incentive for an insured to abide by and conform to insurance program requirements (Minturn: col. 9, lines 45-54).

(F) As per claim 8, Kniesner discloses the method of claim 7, wherein the step of communicating data indicative of the conformance of the insured healthcare facility to an interested third party further comprises the step of providing the score to the insured healthcare facility (Kniesner: pp. 1-6).

(G) As per claim 24, Kniesner discloses the system for providing improved performances for a target entity, the system comprising the components of:

- (1) an independent program catalyst that is operative to:
  - (a) identify program requirements designed to reduce risks of accidents associated with the healthcare industry (Kniesner: pp. 1-6); and
  - (b) reduce risks of accidents associated with the healthcare industry by implementing procedures directed towards assisting the target entity in meeting the program requirements (Kniesner: pp. 1-6);



Kniesner, however, fails to *expressly* disclose the system for providing improved performances for a target entity, the system comprising the components of:

- (1) an independent program catalyst that is operative to:
  - (c) monitoring the results of the target entity to identify the conformance to the program requirements;
  - (d) attributing a score to the monitored results;
- (2) a web-enabled software solution for providing the monitoring results and the scores to the target entity, the independent program catalyst and an interested third party.

Nevertheless, these features are old and well known, as evidenced by Minturn. In particular, Minturn discloses the system for providing improved performances for a target entity, the system comprising the components of:

- (1) an independent program catalyst that is operative to:

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- (c) monitoring the results of the target entity to identify the conformance to the program requirements (Minturn: col. 9, lines 45-54);
  - (d) attributing a score to the monitored results (Minturn: abstract)
- (2) a web-enabled software solution for providing the monitoring results and the scores to the target entity, the independent program catalyst and an interested third party (Minturn: Fig. 1).

One of ordinary skill in the art would have found it obvious at the time of the invention to combine the teachings of Minturn with the teachings of Kniesner with the motivation of enhancing performance of the insured by providing an incentive for an insured to abide by and conform to insurance program requirements (Minturn: col. 9, lines 45-54).

(H) As per claim 25, Kniesner fails to *expressly* disclose the system of claim 24, wherein said score comprises an indication of the target entity's conformance with said program requirements.

Nevertheless, these features are old and well known in the art, as evidenced by Minturn. In particular, Minturn discloses the system of claim 24, wherein said score comprises an indication of the target entity's conformance with said program requirements (Minturn: abstract).

One of ordinary skill in the art would have found it obvious at the time of the invention to combine the teachings of Minturn with the teachings of Kniesner with the motivation of enhancing performance of the insured by providing an incentive for an insured to abide by and conform to insurance program requirements (Minturn: col. 9, lines 45-54).

(I) As per claim 26, Kniesner fails to *expressly* disclose the system of claim 24, wherein the program catalyst is further operative to provide feedback to the insuring entity regarding said monitored results and said score.

Nevertheless, these features are old and well known in the art, as evidenced by Minturn. In particular, Minturn discloses the system of claim 24, wherein the program catalyst is further operative to provide feedback to the insuring entity regarding said monitored results and said score (Minturn: abstract; Fig. 1).

One of ordinary skill in the art would have found it obvious at the time of the invention to combine the teachings of Minturn with the teachings of Kniesner with the motivation of enhancing performance of the insured by providing an incentive for an insured to abide by and conform to insurance program requirements (Minturn: col. 9, lines 45-54).

(J) As per claim 27, Kniesner fails to *expressly* disclose the system of claim 24, wherein the program catalyst provides feedback to the insuring entity by utilizing the web-enabled software.

Nevertheless, these features are old and well known in the art, as evidenced by Minturn. In particular, Minturn discloses the system of claim 24, wherein the program catalyst provides feedback to the insuring entity by utilizing the web-enabled software (Minturn: Fig. 1).

One of ordinary skill in the art would have found it obvious at the time of the invention to combine the teachings of Minturn with the teachings of Kniesner with the motivation of enhancing performance of the insured by providing an incentive for an insured to abide by and conform to insurance program requirements (Minturn: col. 9, lines 45-54).

(K) As per claim 28, Kniesner discloses the method of claim 1, wherein the step of monitoring the results of the procedures to identify the proximity of the insured healthcare facility meeting the insurance program requirements is performed after the insurance program is issued to the insured healthcare facility (Kniesner: pp. 1-6).

(L) As per claim 33, Kniesner discloses the system of claim 24, wherein the independent program catalyst monitors the results of the target entity to identify the proximity to meeting the program requirements after the program has been issued to the target entity (Kniesner: pp. 1-6).

(M) As per claim 34, Kniesner discloses a method for improving performance of a healthcare facility by reducing risks of accidents, the method comprising:

- (1) determining insurance program requirements designed to reduce risks of accidents associated with the healthcare facility (Kniesner: pp. 1-6);
- (2) implementing countermeasures to improve insurance program conformance (Kniesner: pp. 1-6);
- (3) formulating a program containing the insurance program requirements (Kniesner: pp. 1-6);
- (4) reducing risks of accidents associated with the healthcare industry by implementing procedures designed for the insured healthcare facility to meet the insurance program requirements (Kniesner: pp. 1-6);
- (5) identifying the conformance of the insured healthcare facility to the insurance program requirements (Kniesner: pp. 1-6); and
- (6) communicating data indicative of the conformance of the insured healthcare facility to an interested third party (Kniesner: pp. 1-6).

Kniesner, however, fails to *expressly* disclose a method for improving performance of a healthcare facility by reducing risks of accidents, the method comprising:

- (7) monitoring the results of the procedures to identify the conformance of the insured healthcare facility to the insurance program requirements; and

- (8) calculating a performance score indicative of the conformance of the insured healthcare facility to the insurance program requirements.

Nevertheless, these features are old and well known in the art, as evidenced by Minturn. In particular, Minturn discloses a method for improving performance of a healthcare facility by reducing risks of accidents, the method comprising:

- (7) monitoring the results of the procedures to identify the conformance of the insured healthcare facility to the insurance program requirements (Minturn: col. 9, lines 45-54); and
- (8) calculating a performance score indicative of the conformance of the insured healthcare facility to the insurance program requirements (Minturn: abstract).

One of ordinary skill in the art would have found it obvious at the time of the invention to combine the teachings of Minturn with the teachings of Kniesner with the motivation of enhancing performance of the insured by providing an incentive for an insured to abide by and conform to insurance program requirements (Minturn: col. 9, lines 45-54).

- (N) As per claim 35, Kniesner discloses a method for improving performance of a healthcare facility by reducing risks of accidents, the method comprising:

- (1) determining insurance program requirements designed to reduce risks of accidents associated with the healthcare industry (Kniesner: pp. 1-6);
- (2) providing risk reports from the program catalyst to the insurer describing the conformance to the insurance program requirements by the healthcare facility (Kniesner: pp. 1-6);
- (3) formulating an insurance program for insuring a healthcare facility containing the insurance program requirements (Kniesner: pp. 1-6);
- (4) executing an insurance relationship program for insuring a healthcare facility containing the insurance program requirements (Kniesner: pp. 1-6);  
and
- (5) monitoring the healthcare facility to identify conformance to the insurance program requirements by the healthcare facility, wherein the monitoring is performed by a program catalyst (Kniesner: pp. 1-6).

Kniesner, however, fails to *expressly* disclose a method for improving performance of a healthcare facility by reducing risks of accidents, the method comprising:

- (6) modifying the insurance program based on the conformance to the insurance program requirements by the healthcare facility.

Nevertheless, these features are old and well known in the art, as evidenced by Minturn. In particular, Minturn discloses a method for improving performance of a healthcare facility by reducing risks of accidents, the method comprising:

- (6) modifying the insurance program based on the conformance to the insurance program requirements by the healthcare facility (Minturn: col. 9, lines 45-54).

One of ordinary skill in the art would have found it obvious at the time of the invention to combine the teachings of Minturn with the teachings of Kniesner with the motivation of enhancing performance of the insured by providing an incentive for an insured to abide by and conform to insurance program requirements (Minturn: col. 9, lines 45-54).

4. Claims 3-4, 17-19, 29-30, and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kniesner and Minturn, as applied to claim 1 above, and further in view of Official Notice.

(A) As per claim 3, Kniesner fails to *expressly* disclose the method of claim 1, wherein the step of formulating an insurance program containing one or more insurance program requirements comprises a single insurer offering the insurance program.



Nevertheless, Official Notice is taken of the technique of having a single insurer offering an insurance program. For example, this technique has often been employed by insurers, which offer home insurance. As such, Examiner respectfully submits that this technique is old and notoriously well known and was developed and widely used well prior to Applicant's claimed invention.

One of ordinary skill in the art would have found it obvious at the time of the invention to combine the teachings of Official Notice with the combined teachings of Kniesner and Minturn with the motivation of simplifying insurance program management.

(B) As per claim 4, Kniesner fails to *expressly* disclose the method of claim 1, wherein the step of formulating an insurance program containing the insurance program requirements comprises several insurance providers underwriting the insurance program.

Nevertheless, Official Notice is taken of the technique of having a plurality of insurance providers underwrite and insurance program. For example, this technique has often been employed in the syndication of insurance whereby a group of insurers or reinsurers take predetermined shares of premiums, losses, expenses, and profits to cover major risks that are beyond the capacity of a single underwriter. As such, Examiner respectfully submits that this technique is old and notoriously well known and was developed and widely used well prior to Applicant's claimed invention.

One of ordinary skill in the art would have found it obvious at the time of the invention to combine the teachings of Official Notice with the combined teachings of Kniesner and Minturn with the motivation of reducing/spreading risk among several insurers.

(C) As per claim 17, Kniesner discloses a method for creating an insurance product for an insured healthcare facility while minimizing insurance risks and reducing premium costs, said method comprising the steps of:

- (1) determining insurance program requirements designed to reduce risks of accidents associated with the healthcare industry (Kniesner: pp. 1-6);
- (2) reducing risks of accidents associated with the healthcare industry by providing an insurance program designed for the insured healthcare facility to meet the insurance program requirements (Kniesner: pp. 1-6);
- (3) determining the conformance of the insured to the insurance program requirements (Kniesner: pp. 1-6);
- (4) communicating data indicative of the conformance of the insured to a third party (Kniesner: pp. 1-6); and
- (5) monitoring the insured entity to determine whether the insured is meeting the program requirements (Kniesner: pp. 1-6).

Kniesner, however, fails to *expressly* disclose a method for creating an insurance product for an insured healthcare facility while minimizing insurance risks and reducing premium costs, said method comprising the steps of:

- (6) creating a new insurance product containing one or more insurance program requirements; and
- (7) distributing the new insurance product to the insured healthcare facility through a distribution channel.

Nevertheless, these features are old and well known in the art, as evidenced by Minturn and Official Notice. In particular, Minturn and Official Notice disclose a method for creating an insurance product for an insured healthcare facility while minimizing insurance risks and reducing premium costs, said method comprising the steps of:

- (6) creating a new insurance product containing one or more insurance program requirements (Minturn: abstract);
- (7) distributing the new insurance product to the insured healthcare facility through a distribution channel (Nevertheless, Official Notice is taken of the technique of distributing a product and/or service via a distribution channel. For example, insurance providers often distribute their insurance programs through agents/brokers (i.e., distribution channels). As such, Examiner respectfully submits that this technique is old and notoriously

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well known and was developed and widely used well prior to Applicant's claimed invention.).

One of ordinary skill in the art would have found it obvious at the time of the invention to combine the teachings of Minturn with the teachings of Kniesner with the motivation of enhancing performance of the insured by providing an incentive for an insured to abide by and conform to insurance program requirements (Minturn: col. 9, lines 45-54).

One of ordinary skill in the art would have found it obvious at the time of the invention to combine the teachings of Official Notice with the combined teachings of Kniesner and Minturn with the motivation of providing a means of distributing an insurance provider's products and services.

(D) As per claim 18, Kniesner fails to *expressly* disclose the method of claim 17, wherein creating a new insurance product comprises creating an insurance product comprising reduced premiums, reduced risk of claims by adherence assurances, and an increased standard in provided services.

Nevertheless, these features are old and well known in the art, as evidenced by Minturn. In particular, Minturn discloses the method of claim 17, wherein creating a new insurance product comprises creating an insurance product comprising reduced premiums, reduced risk of claims by adherence assurances, and an increased standard in provided services (Minturn: col. 9, lines 45-54)

One of ordinary skill in the art would have found it obvious at the time of the invention to combine the teachings of Minturn with the teachings of Kniesner with the motivation of enhancing performance of the insured by providing an incentive for an insured to abide by and conform to insurance program requirements (Minturn: col. 9, lines 45-54).

(E) As per claim 19, Kniesner fails to *expressly* disclose the method of claim 17, wherein distributing the new insurance product to the insured healthcare facility through a distribution channel comprises distributing the new insurance product through authorized brokers.

Nevertheless, Official Notice is taken of the technique of distributing a product and/or service via authorized brokers. For example, insurance providers often distribute their insurance programs through entities, such as agents/brokers, who sell and service insurance programs/policies. As such, Examiner respectfully submits that this technique is old and notoriously well known and was developed and widely used well prior to Applicant's claimed invention.

One of ordinary skill in the art would have found it obvious at the time of the invention to combine the teachings of Official Notice with the combined teachings of Kniesner and Minturn with the motivation of providing a means of distributing an insurance provider's products and services.

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(F) As per claim 29, Martienz fails to *expressly* disclose the method of claim 1, wherein the interested third party is an insurance underwriter.

Nevertheless, Official Notice is taken of the technique of employing an insurance underwriter as a third party. For example, insurance underwriters are often employed to examine, accept, or reject insurance risks, and to classify those risks selected, in order to charge the proper premium for each and thus, spread the risk among a pool of insureds in a manner that is equitable for the insureds and profitable for the insurer. As such, Examiner respectfully submits that this technique is old and notoriously well known and was developed and widely used well prior to Applicant's claimed invention.

One of ordinary skill in the art would have found it obvious at the time of the invention to combine the teachings of Official Notice with the combined teachings of Kniesner and Minturn with the motivation of reducing/spreading risk among several insurers.

(G) As per previously presented claim 30, Kniesner fails to *expressly* disclose the method of claim 1, wherein the interested third party is a reinsurer.

Nevertheless, Official Notice is taken of the technique of employing reinsurer as third party. For example, reinsurers are often employed to assume all or part of an insurance program/policy written by a primary insurance company (i.e., ceding company) and thus, reducing the potential maximum loss (i.e, spreading the risk) of the primary insurance company. Like underwriters, reinsurers also analyze risks to determine whether an insurance risk should be accepted or rejected and classify those

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risks selected to charge the appropriate premiums. As such, Examiner respectfully submits that this technique is old and notoriously well known and was developed and widely used well prior to Applicant's claimed invention.

One of ordinary skill in the art would have found it obvious at the time of the invention to combine the teachings of Official Notice with the combined teachings of Kniesner and Minturn with the motivation of reducing/spreading risk among several insurers.

(H) As per claim 32, Kniesner discloses the method of claim 17, wherein the step of monitoring the insured healthcare facility to determine whether the insured healthcare facility is meeting the insurance program requirements is performed after the insurance program is issued to the insured healthcare facility (Kniesner: pp. 1-6).

### ***Response to Arguments***

5. Applicant's arguments within the response filed 6/12/07 have been considered but they are moot in view of new ground(s) of rejection.

### ***Conclusion***

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

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§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mike Tomaszewski whose telephone number is (571)272-8117. The examiner can normally be reached on M-F 7:00 am - 3:30 pm.


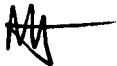
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas can be reached on (571)272-6776. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MT



JEFFREY A. SMITH  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600